

REMARKS

Claims 1-28 were originally presented herein. Claims 11-16 were withdrawn in view of a Restriction Requirement. Thus, the pending claims are 1-10 and 17-28. Claims 1, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 27 have been amended to recite preferred aspects of the present invention. No new matter has been added by virtue of these amendments, and no new search is required regarding the same – as the invention has remained the same as that already searched and examined. The amendments have been made simply to better distinguish the present invention from the cited prior art.

Claim Rejections - 35 U.S.C. §103

Claims 1, 2, 9, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingold (US 5159728) in view of Arthur (US 1797539). This rejection is respectfully traversed.

Bingold teaches a semi-rigid polymer handcuff which exhibits the problems of the prior art devices taught in the present specification at Paragraph [0006] of the Published Application. The device is bulky and thus awkward to store and carry by a police officer, especially when a number of such restraints are needed – e.g., in crowd/riot control situations. Nothing in Bingold teaches or suggests the presently claimed solution to these problems – because Bingold provided a pair of non-binding slots for looping the end straps into the device, to make it easier to carry:

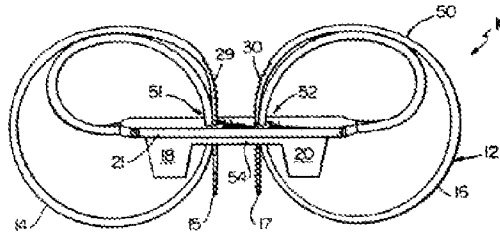


FIG. 1

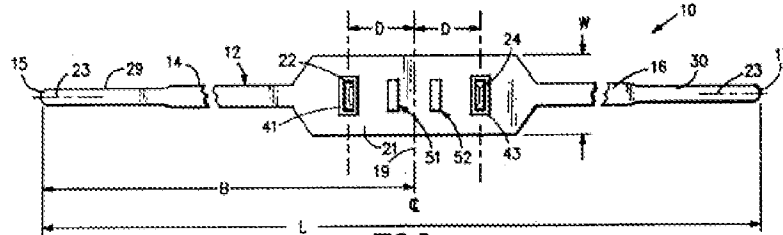


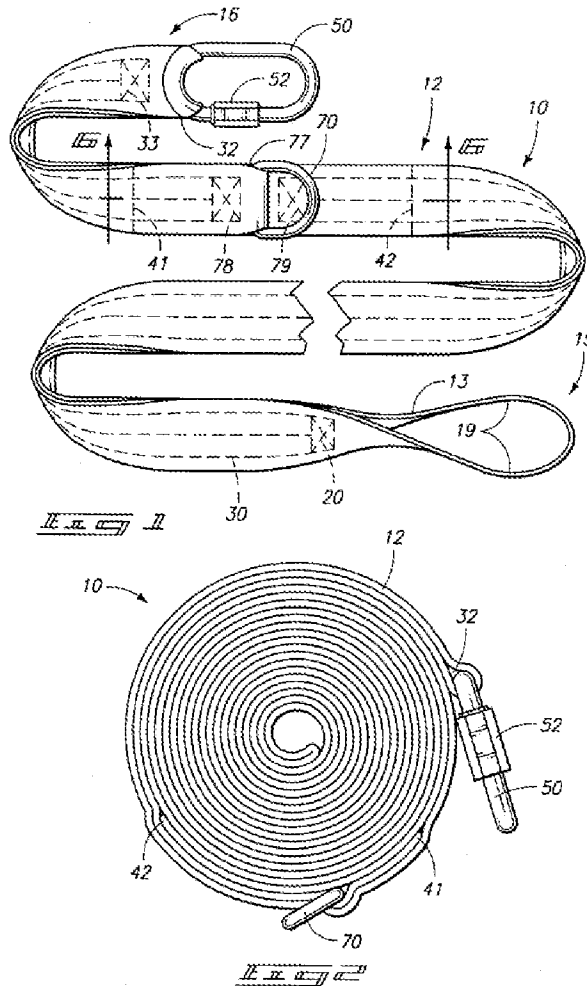
FIG. 2

Bingold's solution cannot make a compact coiled device – as there is simply not enough space provided in the non-locking slots 51 and 52 to permit more than two sections of the strap to enter that space. Also – Bingold relies solely upon friction to keep the two pieces of the cuff strap located in these slots – and they can easily come out of the space due to simple movement of the device. Bingold's solution to the known problem of carrying a number of these devices is simply not satisfactory, as a police officer cannot conveniently carry large numbers of these still bulky items.

Adding a banding device as per the teachings of Arthur to the structure of Bingold, would not produce the present invention. It would simply solve the problem of Bingold's bulky loops being free to come out of the slots 51 and 52 when not intended to do so. The device of Bingold is limited to something that stays bulky. The only teaching of a "compact coiled semi-rigid polymer cuff" is that provided by the present specification. The cited prior art did not recognize this solution. The cited prior art does not teach or suggest this invention. The combination of Bingold and Arthur does not

make Claims 1, 2, 9, 10, and 20 obvious. Accordingly, the Section 103(a) rejection of these claims should be reconsidered and withdrawn. Such action is respectfully requested.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peden (US 5469813) in view of Geisinger (US 5193254). This rejection is respectfully traversed.



Peden does not teach or suggest a semi-rigid polymer toothed strap as recited in Claim 17. Instead, Peden teaches a tether formed of multiple layers of nylon fabric. It is not surprising that a fabric material such as that taught by Peden can be coiled as shown in Figure 2. However, this does not make the invention defined in Claim 17 obvious. Peden teaches coiling the tether for storage purposes – due to its bulky nature and the need for the device to be tangle-free when it is to be used. Nothing in Peden teaches or suggests that a number of such coiled devices could be conveniently carried by a police officer. Instead, these devices are typically carried in the trunk of the police car – for use as a prisoner restraint when required.

Geisinger does not overcome the deficiencies of Peden. Geisinger teaches another version of the restraint taught by Bingold – namely a single cuff device. Peden teaches a fabric restraint, which is easily coiled into a large series of loops for storage. Geisinger teaches a polymer cuff having one strap and one locking head. These two devices are quite distinct, and the teachings are simply not compatible.

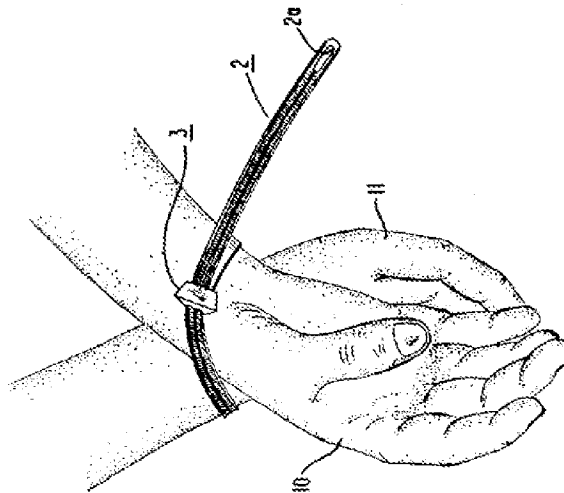


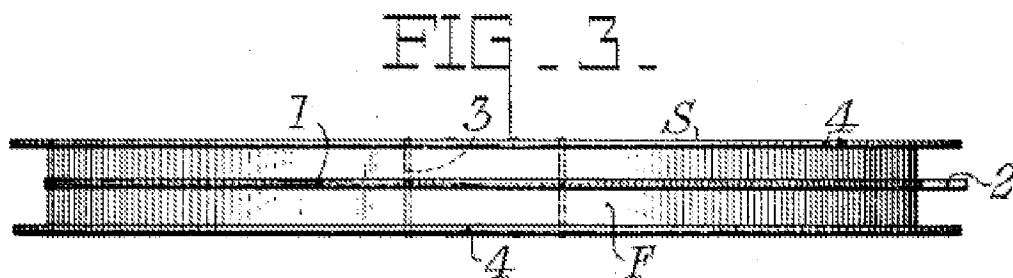
FIG. 13

Clearly the combination of Peden and Geisinger does not make Claim 17 obvious. Accordingly, the Section 103(a) rejection of this claim should be reconsidered and withdrawn. Such action is respectfully requested.

Claims 1-8, 18 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peden (US 5469813) in view of Arthur (US 1797539) and Geisinger (US 5193254). This rejection is respectfully traversed.

Peden has been distinguished above. The fabric restraint taught therein is not semi-rigid. The fabric restraint, even when coiled (as per figure 2) is not compact. Moreover, nothing secures the loops for carrying purposes. In use, the Peden invention is simply withdrawn from its storage location in such a manner as to prevent tangles and knots from forming. Then the device is ready for use as a restraint.

Arthur the use of a rubber band 1 to hold coiled film together and maintain it from unwinding from a spool (S) – which otherwise holds the film (F) in place from lateral movement, i.e., displacement other than unwinding. Without the spool in place, the band used by Arthur would prevent only the unwinding motion of the film. It would not prevent the film from being laterally knocked out of its looped configuration by impact to the center of the coil – absent the spool.



Thus, while it might be desirable to attempt to secure the Peden fabric coil loops with a band as taught by Arthur – there is nothing in this combination that would prevent the center of the Peden coil from being displaced due to lateral movement of the device – which could result in a tangled mess that would take some time to unravel – making the combination impractical for use by the police. It would be better if the full teachings of Arthur were employed – such that the restraint of Peden was first mounted on a spool to prevent lateral movement – and then the use of the band would secure the restraint – just like the film is restrained from unraveling.

The combination of Peden, Arthur and Geisinger does not make Claims 1-8, 18 and 21-24 obvious. Accordingly, the Section 103(a) rejection of these claims should be reconsidered and withdrawn. Such action is respectfully requested.

Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingold (US 5159728) in view of Arthur (US 1797539) and Peden (US 5469813). This rejection is respectfully traversed for the following reasons:

Bingold has been distinguished above. Due to the structure of the device taught therein, compact coiling is not possible. Arthur has been distinguished above. Nothing in Arthur can make the Bingold device more compact. The addition of a band to the Bingold device would simply keep the device bulky and prevent unwinding of the bulky structure. Peden has been distinguished above. Due to the fabric material used for the device taught therein, a tight coil can be made. However, nothing in Peden suggests that the Bingold device can be made more compact by additional windings. The Examiner is relying upon hindsight reconstruction to make this rejection.

The combination of Bingold, Arthur and Peden does not make Claims 25-28 obvious. Accordingly, the Section 103(a) rejection of these claims should be reconsidered and withdrawn. Such action is respectfully requested.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bingold (US 5159728) in view of Peden (US 5469813). This rejection is respectfully traversed.

Bingold has been distinguished above. Due to the structure of the device taught therein, compact coiling is not possible. Peden has been distinguished above. Due to the fabric material used for the device taught therein, a tight coil can be made. However, nothing in Peden suggests that the Bingold device can be made more compact by additional windings. The Examiner is simply relying upon hindsight reconstruction to make this rejection.

Clearly the combination of Bingold and Peden does not make Claim 19 obvious. Accordingly, the Section 103(a) rejection of this claim should be reconsidered and withdrawn. Such action is respectfully requested.

Entry of the present amendment for purposes of appeal is respectfully requested. Entry is necessary because Applicant believes that the amended claims are now in condition for allowance notwithstanding the cited art and the Examiner's arguments thereunder.

The present amendments were not submitted at an earlier date as the Examiner's rejections were believed to have been fully met by the amendments and remarks made in the response to the last Office Action. Thus, this response represents the Applicant's only opportunity to make the present amendments and remarks a part of the record in this application.

Final Rejection Response
U.S.S.N. 10/829,132
Page No. 14

Entry is finally believed proper at this time because the amendments do not raise any new issues that would require further consideration and/or search, since they merely conform in scope to the claims already adequately and properly searched by the Examiner and they do not introduce any new matter.

Respectfully submitted,

/Ernest V. Linek/

Ernest V. Linek – Reg. No. 29,822
Attorney for Applicant

Document No. 123782